

REMARKS

The Application has been carefully reviewed in light of the Office Action mailed June 1, 2007. At the time of the Office Action, Claims 1, 2 and 4-9 were pending in this patent application. Claims 1, 2 and 4-9 stand rejected. Claims 1 and 8 are hereby amended. Reconsideration and allowance of all pending claims is respectfully requested in view of the following remarks.

Priority Claim

The priority claim has been addressed in responses to prior office actions.

Rejections Under 35 U.S.C. § 112:

Although Applicants respectfully disagree with the Examiner regarding the rejection under 35 USC § 112, such limitation is not necessary to overcome any of the cited prior art and Claims 1 and 8 have been amended by Applicants.

Rejections under 35 U.S.C. § 103

Claims 1, 2, 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoham et al. (U.S. Patent 6,584,451).

The Examiner asserts, as had been asserted for so many prior art references that were the subject of rejections that have since been withdrawn, that Shoham discloses “preventing a requester from accepting the identified response after the session is terminated” as recited by Claims 1 and 8. As has been the case with each of the previous recited references, Shoham has no such disclosure. The Examiner cites Column 6, lines 1-8 of Shoham for such an assertion. Column 6, lines 1-8 discusses how and when it will be permitted for a **SELLER** to change pricing schedules, and has no relevance to preventing a requester of a service from doing anything. In fact, the disclosure of Shoham’s auction in such regard is similar to but weaker than the prior rejection of the Examiner using the Johnson reference, which was previously withdrawn by the Examiner. Many of the comments made with regard thereto are equally applicable to Shoham.

Further, the Examiner asserts that Hanson teaches matching buyers to sellers in a specified geographic region. In fact, Hanson teaches only the selection of which advertisements to embed in content to a user of interactive information or entertainment services. Hanson does not teach presenting a response to a request to purchase telecommunications services, wherein the response is associated with a geographic footprint.

Further, the Examiner provides no basis for why one of ordinary skill in the art would be motivated to modify Shoham with the teachings of Hanson. The fact that telecommunications services may be desirable only to consumer's within a particular geographic footprint has no relevance to Shoham's auction site for the purchase of general products. A seller of products has no reason to care where a consumer resides. In fact, the broader the audience of purchasers that can be reached by a system such as Shoham the better. Shoham both inherently and explicitly teaches away from limiting the pooling of consumers based on geography. See columns 1 and 2. Shoham teaches aggregating as many buyers as possible who are widely dispersed geographically through a vehicle like the Internet. See columns 1 and 2. Imposing a geographic restriction would limit the benefit of such aggregation. Because of the Internet and similar networks, Shoham teaches that "proximity is not a barrier in the present system." See column 2, lines 27 through 28. Thus, the Examiner has presented no basis for combining the teachings of Shoham with Hanson, other than stating that it would be obvious to do so with no basis for such conclusory statement. On the contrary, even if the teachings in Hanson were as asserted, combining a geographic limitation from Hanson would be directly counter to the primary goals and teachings of Shoham and would limit the effectiveness of Shoham's invention. **A rejection under 35 USC §103 cannot be sustained when one of the references clearly teaches away from the very feature that is asserted to be taught by the other reference.**

Contrary to the Examiner's last assertion that the fact that the claimed invention concerns telecommunications services is not relevant to functionality, the geographic footprint is one of many types of data relevant to telecommunications services that directly impact the functionality of the claimed invention. The fact is that a transaction system for purchasing telecommunications services includes many functional differences that require the inclusion of data that is irrelevant to a transaction system for purchasing other products such as consumer products. Clearly the claimed recitation of a geographic footprint is not merely descriptive

material and is not disclosed, taught, or suggested by the asserted combination of Shoham and Hanson.

For at least the foregoing reasons, Applicants respectfully assert that amended Claim 1, Claims 2 and 4 through 7 that depend from Claim 1, amended Claim 8, and Claim 9 are allowable over Shoham in view of Hanson. The Examiner has presented Applicants with numerous references that purportedly render the claims of the recited invention unpatentable, but which have all been shown to be deficient. As this case was filed almost eight years ago on October 22, 1999, reconsideration and favorable action are respectfully requested.

CONCLUSION

For the foregoing reasons, and for other apparent reasons, Applicants respectfully request reconsideration and favorable action. If the Examiner feels a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants believe that no other fee is due. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-2816 of Patton Boggs, L.L.P.

Respectfully submitted,

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